

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning, Research & Development

AGENDA DATE: April 26, 2005 (Consent Agenda)

CONTACT PERSON/PHONE: George Sarmiento, AICP, 541-4745

DISTRICT(S) AFFECTED: 1

SUBJECT:

A resolution that the City accepts the dedication of a street right-of-way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described in the attached deed from Frontera Vista L.P., a Texas Limited Partnership.

BACKGROUND / DISCUSSION:

See attached documentation.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Pending Recommendation on April 21, 2005

CITY CLERK DEPT.
05 APR 21 AM 11:34

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City accepts the dedication of a Street Right-of-Way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described in the attached deed from Frontera Vista L.P., a Texas Limited Partnership.

1. As consideration for this dedication and as the express finding and agreement of Frontera and the City, this Right of Way shall be used by the City together with a portion of Duckett Road for the purpose of constructing a local (non-arterial) street extending Gomez Road from Upper Valley Road east to the entrance to Valley Creek Park (the "Park Road"), in accordance with the terms and conditions of the Gomez Road Extension Developer Agreement entered into between the City of El Paso and Frontera Vista L.P. Frontera Vista L.P. agrees to improve the dedicated Right-of-Way in accordance with the terms and conditions of the Gomez Road Extension Developer Agreement.

2. The metes and bounds area dedicated herein shall be used in conjunction with a pre-existing unimproved 40-foot right of way extension of Gomez/Duckett Road east of Upper Valley Road (the "pre-existing right-of-way"); provided, however, that as consideration for and in connection with this dedication, the City shall vacate any pre-existing right-of-way to the extent it is not needed for the Park Road and such vacation shall be by way of subdivision plat when filed by Frontera

or, if earlier, by metes and bounds filed by the City, at no cost to Frontera for such vacation.

ADOPTED this _____ day of _____, 2005.

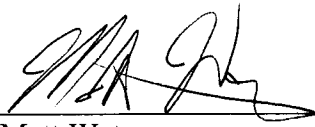
THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

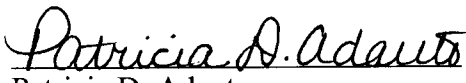
Richarda Momsen
City Clerk

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adaute
Deputy City Manager for
Building & Planning Services

SPECIAL DEDICATION DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF EL PASO §

THAT THE UNDERSIGNED, **FRONTERA VISTA, L.P.**, a Texas limited partnership, hereinafter called "Grantor," for good and valuable consideration, the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto the **CITY OF EL PASO, TEXAS**, herein referred to as "Grantee," certain real property for purposes of the Gomez Road Extension described as follows:

Three parcels of land being a portion of Tract 1A, Block 11, UPPER VALLEY SURVEYS, El Paso County, Texas, being more particularly described by metes and bounds in Exhibits "A", "B" and "C" attached hereto and made a part hereof, A map of the proposed Gomez Road Extension showing the bearings used in the above legal descriptions is shown on Exhibit "D" attached.

This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to the herein above described property, including, but not limited to, the following:

1. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
2. All matters of record
3. Contracts, taxes, construction charges, and rights-of-way for irrigation and drainage ditches applicable to property in the El Paso County Water Improvement District No. 1;
4. All easements, contracts, levees, laterals, roads, ditches, drains, and other claims or interest resulting directly or indirectly from the inclusion of the subject property or a part thereof in an irrigation, reclamation or water improvement district or project.
5. Any and all claims of right, title and interest to the land, including but not limited to any right of possession or claim for damages relating to the land which has been asserted or may be asserted, of record or not, by or on behalf of any Indian or Indian Tribe, including but not limited to the Tigua Indian Tribe of El Paso, Texas, including but not limited to claims appearing in Affidavit of Julian Granillo, filed for record April 16, 1993, recorded in Volume 2553, Page 1958, Real Property Records of El Paso County, Texas.

6. The existence of a water line of the El Paso Water Utilities within the area being dedicated.


TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs, executors, administrators, successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns against every person whomsoever claiming or to claim the same or any part thereof, by and through Grantor, but not otherwise.

Current ad valorem taxes on the property having been prorated, the payment thereof is assumed by Grantee as of the effective date of this Special Dedication Deed.

EFFECTIVE this ____ day of April 2005.

FRONTERA VISTA, L.P.

By: Joe Hanson Homes, Inc.
General Partner

By: 
J. Russell Hanson
President

RECEIVED, ACCEPTED AND
AGREED TO BY THE GRANTEE

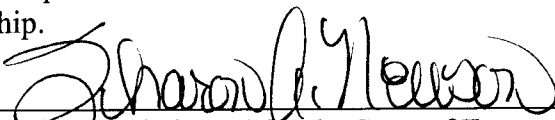
CITY OF EL PASO

By: _____
Joyce Wilson, City Manager

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument is acknowledged before me on this 21st day of April 2005, by J. Russell Hanson, President of Joe Hanson Homes, Inc., general partner of Frontera Vista, L.P., a Texas limited partnership, on behalf of said limited partnership.




Notary Public in and for the State of Texas

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

 This instrument was acknowledged before me on this _____ day of April 2005 by Joyce Wilson, City Manager of the City of El Paso.

Notary Public in and for the State of Texas

Prepared For: Hanson Asset Management, L.P.
Being a Portion of Tract 1A, Block 11
Upper Valley Surveys
City of El Paso, El Paso County, Texas
WO: 050903-4C
Date: April 5, 2005

PROPERTY DESCRIPTION
(Parcel 1, Required Additional R.O.W.)

Description of a 0.2510 acre parcel of land being a Portion of Tract 1A, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

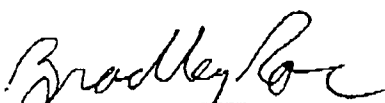
Beginning at a IBWC Monument, P.T. Sta. 1587+31.85, North 10,698,023.56, East 350,772.74;
Thence, South 64° 30' 13" West a distance of 2,846.74 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 lying on the Easterly Right of Way line of the Nemexas Drain; and the "True Point of Beginning";

Thence, leaving said Easterly Right of Way line, South 89° 50' 00" East a distance of 536.22 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 lying on the Westerly Right of Way line of Schutz Lateral;

Thence, along said Westerly Right of Way line, South 32° 53' 35" East a distance of 23.86 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 lying on the Northerly Right of Way line of Duckett Road and a point for corner;

Thence, along said Northerly Right of Way line, North 89° 50' 00" West a distance of 557.17 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 lying on the Easterly Right of Way line of the Nemexas Drain, and a point for corner;

Thence, continuing along said Easterly Right of Way line, North 21° 48' 00" West a distance of 21.52 feet back to the "True Point of Beginning" of said parcel and containing in all 10,933.92 square feet or 0.2510 acres of land more or less.


Bradley Roe, R.P.L.S./2449
Roe Engineering, L.C.

Prepared For: Hanson Asset Management, L.P.
Being a Portion of Tract 1A, Block 11
Upper Valley Surveys
City of El Paso, El Paso County, Texas
WO: 050903-4C
Date: April 5, 2005

PROPERTY DESCRIPTION
(Parcel 2, Required Additional North R.O.W.)

Description of a 0.0556 acre parcel of land being a Portion of Tract 1A, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

Beginning at a IBWC Monument, P.T. Sta. 1587+31.85, North 10,698,023.56, East 350,772.74; Thence, South 58° 17' 01" West a distance of 2,334.13 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 lying on the Easterly Right of Way line of the Schutz Lateral; and the "True Point of Beginning";

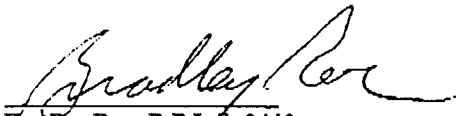
Thence, leaving said Easterly Right of Way line, South 89° 50' 00" East a distance of 20.45 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 and a point for curve;

Thence, 161.04 feet along a curve to the right whose radius is 645.00 feet, whose central angle is 14° 18' 20", whose Tangent is 80.94 feet, and whose Chord bears South 82° 40' 50" East a distance of 160.62 feet, to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 and a point for corner,

Thence, North 89° 50' 00" West a distance of 170.93 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 lying on the Easterly Right of Way line of Schutz Lateral;

Thence, along said Easterly Right of Way line, North 00° 06' 00" West a distance of 6.38 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449, and a point for corner,

Thence, along said Easterly Right of Way line, North 32° 53' 35" West a distance of 16.25 feet back to the "True Point of Beginning" of said parcel and containing in all 2,423.61 square feet or 0.0556 acres of land more or less.


Bradley Roe, R.P.L.S. 2449
Roe Engineering, L.C.

Prepared For: Hanson Asset Management, L.P.
Being a Portion of Tract 1A, Block 11
Upper Valley Surveys
City of El Paso, El Paso County, Texas
WO: 050903-4C
Date: April 5, 2005

PROPERTY DESCRIPTION
(Parcel 3, Required Additional South R.O.W.)

Description of a 0.0474 acre parcel of land being a Portion of Tract 1A, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

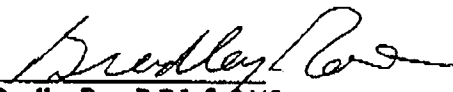
Beginning at a IBWC Monument, P.T. Sta. 1587+31.85, North 10,698,023.56, East 350,772.74;
Thence, South 53° 54' 29" West a distance of 2,185.99 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 and the "True Point of Beginning";

Thence, South 21° 48' 00" West a distance of 32.06 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 and a point for curve;

Thence, 22.29 feet along a curve to the right whose radius is 575.00 feet, whose central angle is 02° 13' 16", whose Tangent is 11.15 feet, and whose Chord bears North 74° 30' 25" West a distance of 22.29 feet, to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 and a point for curve;

Thence, 167.82 feet along a curve to the left whose radius is 585.00 feet, whose central angle is 16° 26' 13", whose Tangent is 84.49 feet, and whose Chord bears North 81° 36' 54" West a distance of 167.25 feet, to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 and a point for corner;

Thence, South 89° 50' 00" East a distance of 198.84 feet back to the "True Point of Beginning" of said parcel and containing in all 2,063.06 square feet or 0.0474 acres of land more or less.


Bradley Roe, R.P.L.S. 2449
Roe Engineering, L.C.

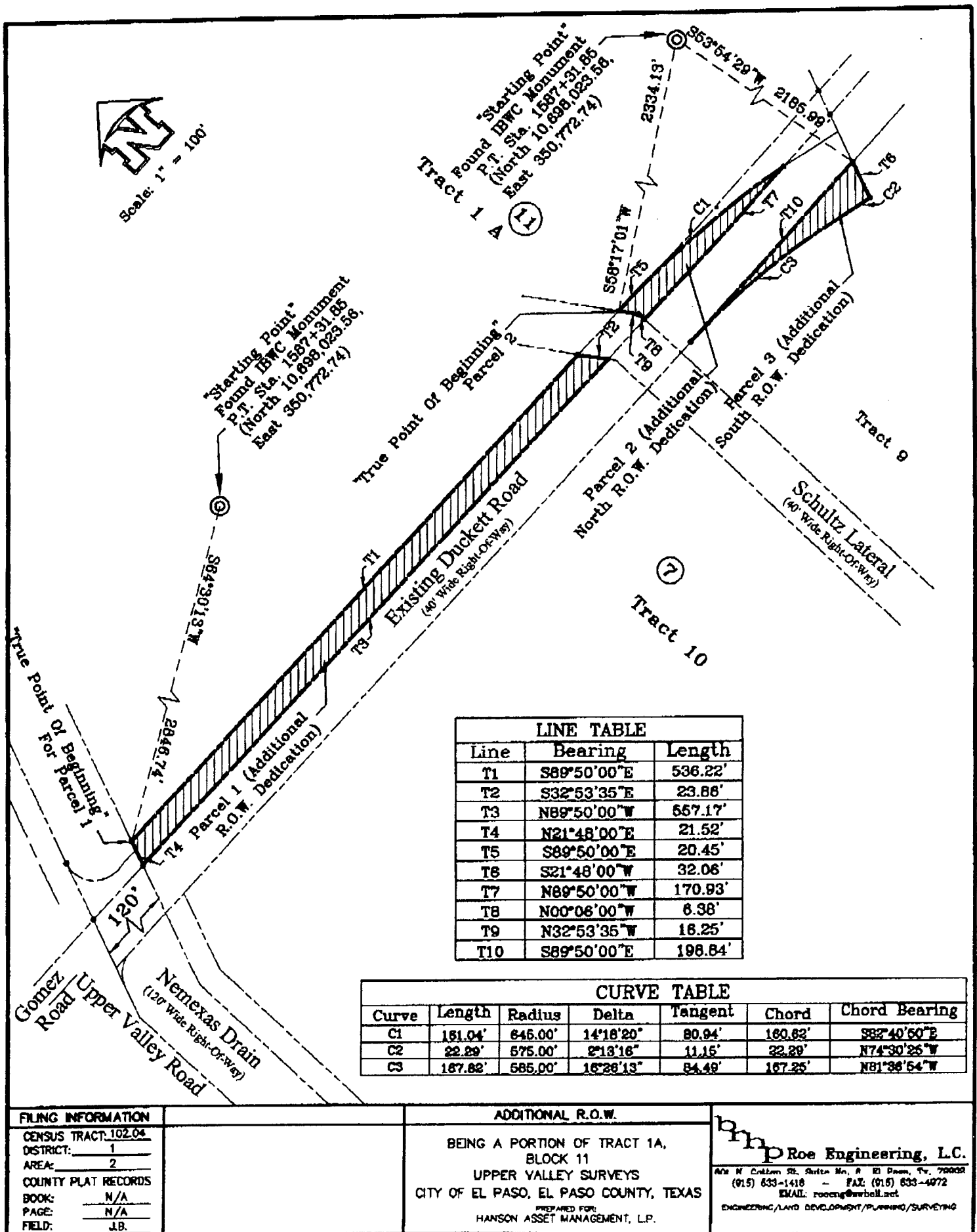


EXHIBIT D

STAFF REPORT

File #: DD04002

Legal Description: Being 0.79 acres out of Tract 1A, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas

Type Request: Right-of-Way Dedication

Property Owner: Frontera Vista L.P.

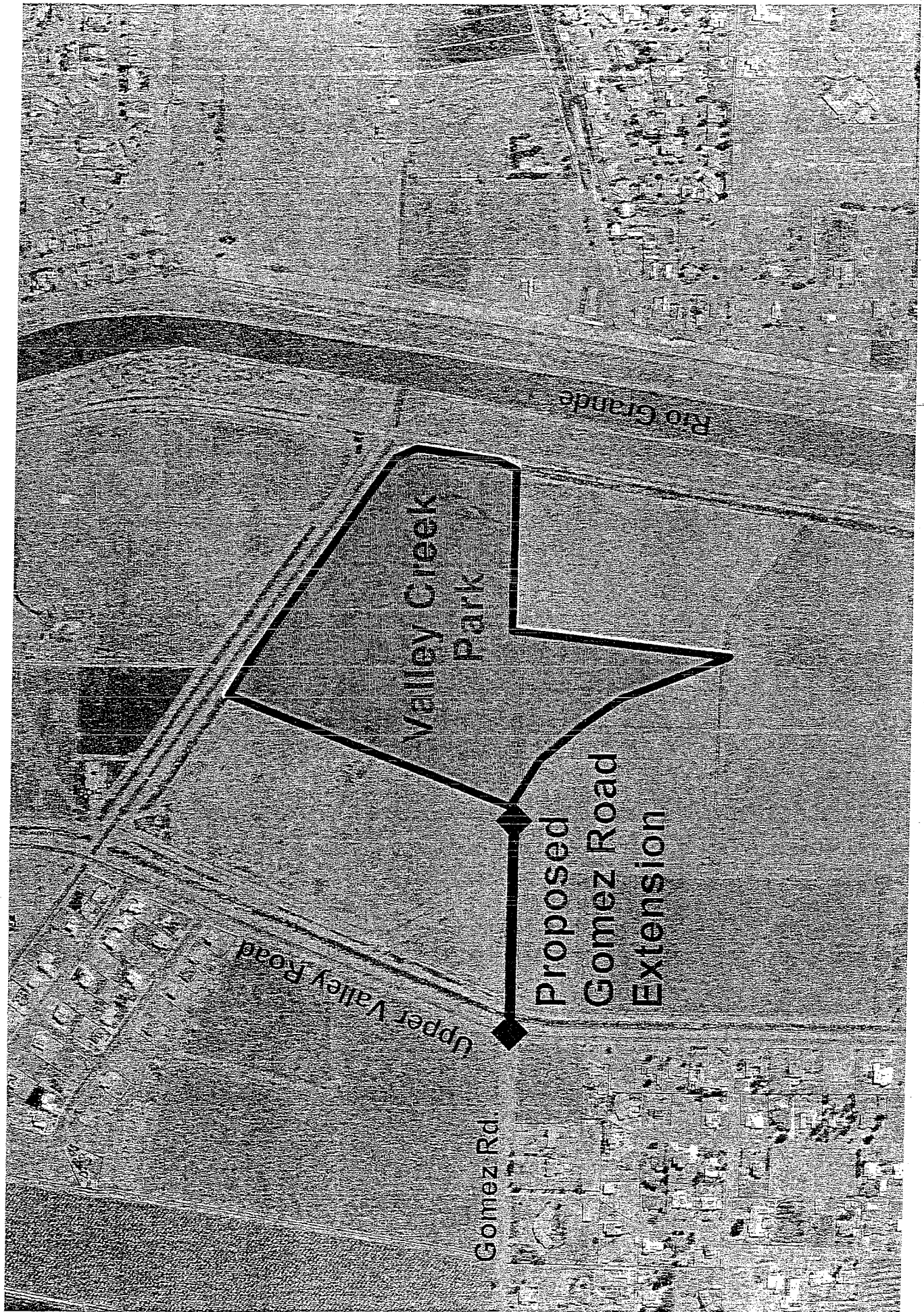
Surveyor: Roe & Associates

Representative: City of El Paso

Location: East of Upper Valley Road and West of the Rio Grande.

Representative District: 1

Planning Area: Northwest



Street ROW Dedication Case #:

DD04002 Street ROW Dedication for extension of Gomez Road located within a portion of Tract 1A, Block 11, Upper Valley Surveys.

GENERAL INFORMATION:

On August 26, 2003, the El Paso City Council, by resolution, approved and entered into a developer agreement between the City and Frontera Vista L.P. (Frontera). The agreement provided that the City would contribute 30% of the construction costs for roadway and two El Paso Water Improvement District #1 ("WID") crossings leading from Upper Valley Road and the current terminus of Gomez Road improvements east to a 36 acre regional park under development. The agreement was aimed at saving money for both parties as the City needed the road to reach the park property and Frontera needed the road to access its remaining contiguous 118 acres. At the time of the agreement, the Gomez/Redd Road extension was on 2025 Plan for El Paso's Major Thoroughfare Plan ("MTP") as a major arterial to be extended across the Rio Grande. As such, the eventual road width was proposed at 120 feet and the Shulte Lateral and Nemexas Drain crossings as per the agreement were 120 feet and 92 feet respectively to accommodate the eventual width. Since Council passage of the agreement, Ordinance 15827 removed the Gomez/Redd extension from the MTP. Additionally, the Metropolitan Planning Organization has taken action toward the removal of that road from its plan as well.

The M&B's application you are to provide recommendation on today went before you on _____ (insert date) with a M&B's description consistent with the 8/26/03 developer agreement. In consideration of Ord. 15827 and neighborhood group concerns, that M&B's dedication was removed from the City Council agenda and never voted on. Meetings were then conducted to determine an appropriate crossing width and roadway width in consideration of removal of Gomez from the MTP. Out of discussions, it has been proposed that the WID crossings be reduced to 53 feet and that the total right of way to include the pre-existing unimproved Duckett Rd. be no more than 60 feet. The proposed developer agreement amendment reflects this proposal. As such, the locations of right of way proposed for dedication has shifted somewhat which is why the item has returned for your recommendation.

Frontera has expressed concern with the reduced right of way and is offering more. Frontera has agreed to provide the lesser amount but only with the assurance that it will not have a subdivision plat rejected because of any later claim of insufficient access to its 118 acre tract. As such, the proposed 19.16.020.P amendment also on your agenda is intended to provide that Frontera will not be denied a subdivision plat for the 118 contiguous acres with zoning now in place because of inadequate access abutting the subdivision under the facts presented here.

It is intended that this M&B's dedication, the proposed amendments to the developer agreement, and the amendment to 19.16.020.P all be acted upon by City Council on 4/26/05 and that construction of the local street leading to the park currently near completion begin immediately.

STAFF RECOMMENDATION:

The Development Coordinating Committee unanimously recommends approval of the street right-of-way dedication as proposed.

There were no conditions imposed by any of the reviewing departments for the subject dedication. Frontera Vista, L.P. has submitted the required dedication deed for the proposed street extension.

None of the reviewing agencies had any objections to the off-site dedication request.

NOTE TO PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR HIS REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. IF YOU HAVE ANY QUESTIONS CONCERNING THIS REPORT, PLEASE CONTACT THE DEPARTMENT OF PLANNING AT 541-4635.